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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John F. KOKAI-KUN *et al.*

Confirmation No.: 1338

Application No: 10/724,194

Group Art Unit: 1645

Filing Date: December 1, 2003

Examiner: Virginia Allen Portner

For: WALL TEICHOIC ACID AS A TARGET
FOR ANTI-STAPHYLOCOCCAL
THERAPIES AND VACCINES

Attorney Docket No.: 103901-6100

**TRANSMITTAL OF
VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Enclosed for filing in the above-referenced application is a Verified Statement Claiming Small Entity Status, executed by the Assignee in this application.

No fee is believed to be due in connection with this filing. However, should any fees be required, please charge such fees to Winston & Strawn LLP Deposit Account No. 50-1814.

Respectfully submitted,

3/31/05
Date

Jeffrey A. Wolfson
Jeffrey A. Wolfson (Reg. No. 42,234)

WINSTON & STRAWN LLP

Customer No. 28765

202-282-5904



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.27(a)(2) - Small Business Concern]

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act
in behalf of the concern identified below:

BIOSYNEXUS INCORPORATED
9298 Gaither Road
Gaithersburg, Maryland 20877

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.27(a)(2), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention entitled **WALL TEICHOIC ACID AS A TARGET FOR ANTI-STAPHYLOCOCCAL THERAPIES AND VACCINES** by John F.KOKAI-KUN et al., described in

- ☒ application no. 10/724,194 filed December 1, 2003
☐ patent no. _____ issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.27(a)(1) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).

FULL NAME: _____
ADDRESS: _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.27 (g)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: WINSTON & STRAWN LLP Direct Telephone calls to:
Customer No. 28765 Patent Department
202-371-5904

Name of Person Signing: Gerald W. Fischer, M.D.

Title other than Owner: President and CEO

Address of Signer: 9298 Gaither Road

Gaithersburg, Maryland 20877

Signature:  Date: 3/29/05

*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities.